

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

# **HOUSE BILL 2064**

AN ACT

AMENDING SECTION 12-1128, ARIZONA REVISED STATUTES; RELATING TO EMINENT DOMAIN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 12-1128, Arizona Revised Statutes, is amended to  
3 read:

4              12-1128. Costs and jury and attorney fees

5       A. EXCEPT AS PROVIDED IN SUBSECTION D, costs may be allowed or not,  
6 and if allowed may be apportioned between the parties on the same or adverse  
7 sides, in the discretion of the court.

8       B. EXCEPT AS PROVIDED IN SUBSECTION D, the jury fee may be assessed or  
9 not against the plaintiff, in the discretion of the court. If jury fees are  
10 so assessed, they shall be calculated in the same manner and amounts as in  
11 other civil actions and the plaintiff shall pay such fee to the clerk of the  
12 court for transmittal to the county treasurer who shall dispose OF such  
13 monies in the same manner as the disposition of other jury fees.

14      C. In an action for condemnation of property by or on behalf of an  
15 educational, reformatory or penal institution of the state, if the board or  
16 officers having charge of the institution, prior to commencement of the  
17 action or proceeding, tender to the owner of the property such sum of money  
18 as the board or officers deem the reasonable value of the property, and the  
19 owner refuses to accept it and transfer the property, ~~then~~ all costs and  
20 expenses of the action or proceeding shall be taxed against the owner unless  
21 the sum of money assessed in the judgment as the value of the property and  
22 compensation to be paid therefor is greater than the amount so tendered.

23      D. IN AN ACTION FOR CONDEMNATION OF PROPERTY FOR THE PURPOSES OF SLUM  
24 CLEARANCE AND REDEVELOPMENT AND THE ULTIMATE CONTROL OR TRANSFER TO A PRIVATE  
25 ENTITY, THE COURT SHALL AWARD ALL COSTS, JURY FEES AND ATTORNEY FEES TO THE  
26 DEFENDANT REGARDLESS OF THE OUTCOME OF THE ACTION.